



City of Dublin Planning and Zoning Commission

Planning Report

Thursday, December 4, 2014



Avery Square Shopping Center LaRosa's Patio

Case Summary

Agenda Item	2
Case Number	14-102AFDP/CU
Proposal	Outdoor dining patio for a restaurant within the Avery Square Shopping Center.
Request	Review and approval of an amended final development plan application under the provisions of Zoning Code Section 153.050, and a request for review and approval of a conditional use under the provisions of Zoning Code Section 153.236.
Site Location	7048 Hospital North side of Hospital Drive, west of Avery Muirfield Drive.
Owner/Applicant	Dublin Oaks Limited.
Representative	Brandon Salamone, Owner.
Case Manager	Tammy Noble-Flading, Senior Planner (614) 410-4649 tflading@dublin.oh.us
Planning Recommendation	<p><u>Approval of the Amended Final Development Plan</u> In Planning's analysis, this proposal complies with Code, the amended final development plan criteria and existing development in the area and approval is recommended.</p> <p><u>Approval of the Conditional Use with 5 Conditions</u> Planning recommends approval of this conditional use as it complies with the applicable review criteria, with 5 conditions.</p> <p>1) The furniture must be wrought iron and of similar design as the neighboring tenant, the Sunny Street Café.</p>

- 2) The fence be the same height and manufacturer as the Sunny Street Café and contain planted flower boxes attached to the inside of the fence.
- 3) The umbrellas will not contain any language including advertisements, branding, or logos.
- 4) That the patio end service at 10:00 pm and close not later than 11:00 pm; and
- 5) The patio furniture be stored off-site from November 1st through April 1st.



 <p>City of Dublin</p>	<p>14-102AFDP/CU Amended Final Development Plan/ Conditional Use LaRosa's Pizza 7048 Hospital Drive</p>	<p>0 150 300 Feet</p> 
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Facts	
Site Area	28.42 acres
Zoning	PCD, Planned Commerce District (Riverside PCD).
Surrounding Zoning	<p>North: PCD, Planned Commerce District containing medical offices, daycare, bank and shopping center within the Riverside North PCD.</p> <p>South: PUD, Planned Unit Development containing the Dublin Methodist Hospital within the Ohio Health PUD.</p> <p>East: PCD, Planned Commerce District with the Walgreens store within the Riverside North PCD.</p> <p>West: PUD, Planned Unit Development for Dublin Methodist Hospital within the Ohio Health PUD.</p>
Site Features	<ul style="list-style-type: none"> • Avery Square Shopping Center (206,341 square feet) along the north and west boundary with the Kroger grocery store as the main tenant, two restaurant outparcels along the east boundary. • Parking for 1,205 vehicles. • Main access from Hospital Drive in the east portion of the site and a secondary Hospital Drive access point is in the far southeast portion. • Four additional access points along Perimeter Drive to the north and shared access with the hospital site along the south property line. • A stormwater pond is adjacent the main drive entrance. • Service drive and additional parking spaces behind the buildings. • Landscape hedge with intermittent pillars along Avery-Muirfield Drive (required by the development text) and landscape beds on either side of the main entrance as part of the entry feature.

Details	Amended Final Development Plan
Proposal	<p>The applicant is proposing a 604-square-foot new outdoor dining patio in front of the existing tenant space at 7048 Hospital Drive. This is similar to several other tenants in the Avery Square Shopping Center that have been approved for outdoor patios. The patio will have 11 tables with chairs, placed on both sides of the entrance, labeled on the site plan as Patio A and Patio B. There will be four large tables with four seats each, and seven smaller tables each with two seats.</p> <p>A majority of the patio will be under an existing overhang and the applicant is proposing umbrellas for the tables that are beyond the overhang. The patio will be enclosed by a 3½-foot fence and will have five feet clearance from the fence to the existing planters near the curb.</p>

Details

Amended Final Development Plan

Approved Patio Space

The Avery Square development text permits 3,000 square feet of patio space for the shopping center to be approved administratively. Any patio space exceeding the 3,000 square feet allowed to be approved administratively requires approval by the Planning and Zoning Commission. With the other approved patios the LaRosa patio brings the total patio space for the plaza to 3,243 square feet. Any other future patios will also require review and approval by the Commission unless existing patios are removed. The patio spaces are distributed as shown:

Tenant	Patio Space (sq. ft.)
Buffalo Wild Wings	1,729
Piada	352
Sunny Street Cafe	300
Moe's Southwest Grill	258
<i>LaRosa</i>	<i>604</i>
Total	3,243
Exceeds Approved Text	243

Parking

The development text requires 4 parking spaces per 1,000 square feet of GFA. Based on the size of the shopping center, this requires 1,168 parking spaces. The final development plan indicates the center contains 1,213 parking spaces which exceeds the required number by 45 parking spaces. The patio requires 3 parking spaces.

Patio Amenities

Fences/Furniture

BW3s, Moe's Southwest Grill, and Sunny Street Café received approval for patios adjacent to their tenant space and all use the same style of patio amenities. The patio furniture is square black aluminum mesh-top tables with matching chairs. All three tenants are enclosed by a four-foot tall black aluminum gothic-style picket fence. Piada received approval of a three-foot, "x-brace" style fence which varied from the other tenants. This was based on their location, to the northern side of the plaza.

Awning/Umbrellas

The text allows awning colors that include burgundy multi-stripe, a navy multi-stripe, and black and cream stripe awning and a solid green awning. Umbrellas have been approved to match these awning colors and have primarily been solid colors and to match the approved awnings. Piada received approval for cream colored umbrellas. Sunny Street Café received administrative approval for hunter green umbrellas and Moe's Southwest Grill was approved for umbrellas in a crimson color. BW3s received approval for striped umbrellas which match their awnings. Although the approved awning and umbrellas vary in color, all meet the development text and complement the color palette of each tenant space.

Code does not permit signs or logos on umbrellas. No outdoor speakers are proposed with the patio.

Details	Amended Final Development Plan
<i>Applicant's Proposal</i>	The applicant is proposing a total of 11 tables and chairs. The tables have a black aluminum base with a black granite table top. The chairs are proposed to be a brown espresso weave material. The applicant is also proposing burgundy umbrellas for the tables that extend beyond the overhang. No advertising or logos are permitted on the umbrellas. The patio will be enclosed by a three-and-a-half foot black Ameristar fence.

Analysis	Amended Final Development Plan
Amended Final Development Plan	Section 153.050 of the Zoning Code identifies criteria for the review and approval for an amended final development plan. Following is an analysis by Planning based on those criteria.
1. <i>Consistency with the approved preliminary development plan.</i>	Criterion met: As conditioned through the conditional use approval, the patio is consistent with the existing development standards within the area.
2. <i>Traffic and pedestrian safety</i>	Criterion met: The proposed patios do not interfere with pedestrian or vehicular circulation. The required five foot sidewalk clearance is maintained.
3. <i>Adequate public services and open space</i>	Not applicable.
4. <i>Protection of natural features and resources</i>	Not applicable.
5. <i>Adequacy of lighting</i>	No modifications are proposed.
6. <i>Proposed signs are consistent with approved plans</i>	No new signs are proposed.

Analysis Amended Final Development Plan	
7. <i>Appropriate landscaping to enhance, buffer, and soften the building and site</i>	Not applicable.
8. <i>Compliant stormwater management</i>	Not applicable.
9. <i>All phases (if applicable) comply with the previous criteria.</i>	Not applicable.
10. <i>Compliance with all other laws and regulations.</i>	Criterion met: The proposal complies with all other known applicable local, state, and federal laws and regulations.

Recommendation Amended Final Development Plan	
Approval	Based on Planning's analysis, the proposed patios are consistent with Code and the amended final development plan requirements and Planning recommends approval for this proposal.

Details	Conditional Use
Proposal	The proposed use at 7048 Hospital Drive is a family-style pizzeria that provides dine-in, carry out and delivery services. As part of their operations, the pizzeria is requesting the use of an outdoor patio. The business operates Monday through Thursday 10:30 AM to 10:30 PM and Friday and Saturday 10:30 AM to 11:00 PM. Dine-in service is a full service operation which employs 95 employees including wait staff, hosts, delivery drivers and cooks. The pizzeria does serve alcohol and will comply with all regulations associated with the state licensing agency.
Details	<p><i>Location</i> The site will be located in a tenant space previously occupied by CiCi's Pizza in the Avery Square Shopping Center.</p> <p><i>Use</i> The applicant is proposing to operate a patio to the front of their existing restaurant. The patio will be divided into two areas on each side of the</p>

Details	Conditional Use
	<p>entrance. The patio will accommodate eleven tables and a maximum of thirty people. The patio will be surrounded by a fence and will operate during seasonal months and has requirement to store furniture off site November 1 to April 1st, per the approved text.</p> <p><i>Materials</i> The proposed patio will utilize the existing concrete area to the front of the tenant space.</p> <p><i>Furniture</i> The patio will accommodate 11 tables that include four large tables that seat four people and six small tables that seat two people. The tables will be black, cast aluminum tables with arched legs and have black laminate tops. The chairs consists of a polyethylene weave with a brown espresso finish. The applicant is proposing burgundy umbrellas that has a silver mist pole. The outdoor patio will be enclosed by a three-and-a-half foot black, wrought iron fence.</p> <p>Based on the close proximity to the Sunny Street Café, who also has a patio, Planning is proposing several modifications to the furniture and fence materials to ensure this patio space will complement the Sunny Street Café. These modifications include table tops that have a mesh tops, proposing black wrought iron chairs with a similar design as the Sunny Street Cafe, and require the fence be four feet in height and contain flower boxes on the interior of the fence. The fence design and flower boxes will be required to be the same design as the Sunny Street Café.</p>

Analysis	Conditional Use
<i>Process</i>	Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached).
1) <i>Harmonious with the Zoning Code and/or Community Plan.</i>	Criterion met: This proposal is consistent with the requirements of the Zoning Code and the Community Plan.
2) <i>Complies with applicable standards.</i>	Criterion met: This proposal is consistent with the requirements of the Zoning Code.

Analysis	Conditional Use
<p>3) <i>Harmonious with existing or intended character in vicinity.</i></p> <p>Conditions 1-3</p>	<p>Criterion met: The proposed use will not alter the essential character of the area and is compatible with surrounding uses. The furniture should be wrought iron so that it is of similar design as the neighboring tenant, the Sunny Street Café. The fence should be the same height and manufacturer as the Sunny Street Café and contain flower boxes attached to the inside of the fence. Umbrellas are not permitted to contain text or logos.</p>
<p>4) <i>Will not have a hazardous or negative impact on surrounding uses.</i></p> <p>Conditions 4-5</p>	<p>Criterion met Conditions: Proposed operations will not have an adverse effect on surrounding uses as modified in the proposed condition. Both patios should restrict operations to end service end at 10:00 pm and both patios should close at 11:00 pm. Patio furniture be stored off-site from November 1st to April 1st.</p>
<p>5) <i>Will provide adequate services and facilities.</i></p>	<p>Not applicable.</p>
<p>6) <i>Will not harm the economic welfare.</i></p>	<p>Criterion met: This proposed use contributes positively to the economic climate of the city, by providing an additional amenity for residents.</p>
<p>7) <i>Create no use or characteristic that is detrimental to the surrounding uses.</i></p>	<p>Criterion met: The use will not be detrimental to the surrounding area. The proposed patios will be additional amenity for the area. Adequate area remains for pedestrian movement between stores.</p>
<p>8) <i>Vehicular circulation will not interfere with existing circulation.</i></p>	<p>Not applicable.</p>
<p>9) <i>Not detrimental to property values in the vicinity.</i></p>	<p>Criterion met: This proposal will not be detrimental to property values. The restaurant adds to the value of other properties by increased customer traffic.</p>
<p>10) <i>Will not impede the development or improvement of surrounding properties.</i></p>	<p>Criterion met: This proposal uses are contained on site and will not impede development or improvement to the surrounding properties. Adequate area remains for pedestrian movement between stores.</p>

Recommendation		Conditional Use
Approval	Planning recommends approval of the proposal as it complies with the application review criteria with the 5 conditions listed below.	
Conditions	<ol style="list-style-type: none">1) The furniture must be wrought iron and similar design as the neighboring tenant (Sunny Street Café).2) The fence be the same height and manufacturer as the Sunny Street Café and have planted flower boxes attached to the interior of the fence.3) The umbrellas will not contain any language including advertisements, branding, or logos.4) That the patio restrict operations to end service end at 10:00 pm and patios close not later than 11:00 pm; and5) That the proposed patio amenities be stored off-site from November 1st through April 1st.	

AMENDED FINAL DEVELOPMENT PLAN REVIEW CRITERIA

Review Criteria

In accordance with Section 153.055(B) Plan Approval Criteria, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

CONDITIONAL USE REVIEW CRITERIA

Section 153.236(C) sets out criteria for the review and approval of a Conditional Use.

(C) Action by the Planning Commission. The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:

- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- 5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- 6) The proposed use will not be detrimental to the economic welfare of the community.
- 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- 8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- 9) The proposed use will not be detrimental to property values in the immediate vicinity.
- 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

SITE HISTORY

City Council

1997-1999: Various approvals related to parking, signs, and setbacks.

February 21, 1989: Riverside Hospital Planned Commerce District rezoning and preliminary development plan including Subarea B, which was zoned for a mix of retail/commercial uses in an integrated shopping environment.

Planning and Zoning Commission

January 5, 2012: Approved an Amended Final Development Plan and a Conditional Use for a 352-square foot outdoor dining patio for Piada.

September 16, 2010: Approved Rezoning/Preliminary Development Plan, Final Development Plan, and Conditional Use application for the establishment of an outparcel, a conditional use for the construction of a fuel station for the grocery store, an increase in the amount of outdoor dining, and future driveway and access improvements.

May 20, 2010: Approved Amended Final Development Plan and a Conditional Use for a 357-square-foot outdoor dining patio for Sunny Street Café.

March 6, 2010: Approved Amended Final Development Plan and a Conditional Use for a 258-square-foot outdoor dining patio for Cold Stone Creamery

December 8, 2005: Approved Amended Final Development Plan for a 17,336-square-foot expansion to the Kroger grocery store

March 4, 2004: Approved Amended Final Development Plan and a Conditional Use for a 14,557-square-foot expansion of the shopping center and a 1,155-square-foot patio area

November 4, 1999: Recommended approval of rezoning to City Council to change development text to require 53 parking spaces for Burger King outparcel

August 20, 1998: Recommended approval to City Council of a rezoning to revise the development text sign package

March 14, 1996: Approved development plan for a 225,000-square-foot retail center.

1988 & 1989: Several reviews of the rezoning to PCD of the Riverside plan, recommended approval to City Council on January 19.